

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

MASSIMO LA ROSA	)	CASE NO. 1:18-cv-00095
	)	
Plaintiff	)	JUDGE DONALD C. NUGENT
	)	
-vs-	)	
	)	<u>DEFENDANT JONATHAN ALLEN'S</u>
JONATHAN ALLEN, et al.	)	<u>MOTION FOR EXTENSION OF TIME</u>
	)	<u>TO RESPOND TO PLAINTIFF'S</u>
Defendants	)	<u>MOTION FOR PRELIMINARY</u>
	)	<u>INJUNCTION</u>
	)	

Defendant Jonathan Allen (“Allen”) hereby moves for an extension of time to respond to Plaintiff Massimo La Rosa’s (“Plaintiff”) Motion for Preliminary Injunction (the “Injunction Motion”), which was filed in Cuyahoga County Common Pleas Court on January 11, 2018, prior to the removal of this case. See PageID # 38-76. Presently, pursuant to Loc.R. 7.1(d), Allen is required to respond to the Injunction Motion within 14 days, or by January 25, 2018. For the reasons explained herein, Allen requests that the Court permit Allen additional time to respond to the Injunction Motion.

Concurrent with the Injunction Motion, Plaintiff filed a Motion to File Exhibits Under Seal (the “Exhibit Motion”) which pertained to the exhibits which would serve as evidentiary support for the Injunction Motion. See PageID # 33-36. Those exhibits, therefore, have not been published on the docket, have not been shared with Allen, and presumably have not been shared with the Court. There has been no ruling to date on the Exhibit Motion, thereby rendering the Injunction Motion incomplete.

As a result, Allen is unable to fully respond to the Injunction Motion. Because a major component of a preliminary injunction analysis is likelihood of success on the merits, see

*O'Toole v. O'Connor*, 802 F.3d 783, 788 (6th Cir.2015), Allen would be prejudiced by being required to respond to the Injunction Motion before he has had the opportunity to review or even see the alleged evidence that is the crux of Plaintiff's claims.

Therefore, Allen respectfully moves for an extension of time to respond to Plaintiff's Injunction Motion that is equal to 14 days from the time the Court rules on the Exhibit Motion.

Respectfully submitted,

/s/ Justin W. Whelan  
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Attorneys for Defendant Jonathan Allen

#### CERTIFICATE OF SERVICE

I hereby certify that on this 24<sup>th</sup> day of January, 2018 a copy of the foregoing *Motion For Extension of Time to Respond to Plaintiff's Motion for Preliminary Injunction* was filed electronically, notice of which will be sent to all parties by operation of the Court's electronic filing system.

/s/ Justin W. Whelan  
JUSTIN W. WHELAN  
Bar No. (0088085)